UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 1:18-CR-140-MOC-WCM-1

UNITED STATES OF AMERICA,)	
)	
vs.)	
)	<u>ORDER</u>
CLAUDIE SCOTT EDWARDS,)	
)	
Defendant.)	
)	

THIS MATTER comes before the Court on Defendant's pro se Emergency Motion for Compassionate Release/Reduction of Sentence under 18 U.S.C. § 3582 and Pursuant to the First Step Act. (Doc. No. 28). Defendant, an inmate at Edgefield FCI-D2 in Edgefield, South Carolina, seeks a reduction of his sentence based on the COVID-19 pandemic. In support, he maintains that he suffers from numerous medical conditions that have resulted in a compromised immune system. Id.

Title 18, Section 3582(c)(1)(A)(i) authorizes criminal defendants to request compassionate release from imprisonment based on "extraordinary and compelling reasons." But before doing so, they must at least ask the Bureau of Prisons to do so on their behalf and give the Bureau thirty days to respond. See United States v. Raia, No. 20-1033, 2020 WL 1647922, at *1 (3d Cir. Apr. 2, 2020). Here, Defendant has failed to assert or show that he provided the Bureau with thirty days to evaluate his compassionate release request before filing his motion in this Court. Because Defendant has not shown that he has exhausted available administrative remedies, the Court declines to modify Defendant's term of imprisonment at this time.

ORDER

IT IS, THEREFORE, ORDERED that Defendant's Emergency Motion for

Compassionate Release/Reduction of Sentence under 18 U.S.C. § 3582 and Pursuant to the First Step Act, (Doc. No. 28), is **DENIED**, without prejudice to Defendant to refile the motion showing that he has exhausted his remedies with the BOP before bringing this motion.

Signed: May 8, 2020

Max O. Cogburn J

United States District Judge